

By: Walle

H.B. No. 2173

A BILL TO BE ENTITLED

AN ACT

relating to the licensing of air conditioning and refrigeration technicians.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1302.501, Occupations Code, is amended to read as follows:

Sec. 1302.501. LICENSE [~~REGISTRATION~~] REQUIRED. (a) A person may not act or offer to act as an air conditioning and refrigeration technician unless the person is licensed [~~registered~~] under this subchapter.

(b) An air conditioning and refrigeration technician license [~~registration~~] is valid throughout the state.

(c) A person is not required to obtain an air conditioning and refrigeration technician license [~~registration~~] if the person only assists a licensed contractor in performing:

(1) the total replacement of a system; or

(2) the installation or repair of a boiler or pressure vessel that must be installed in accordance with rules adopted under Chapter 755, Health and Safety Code.

SECTION 2. The heading to Section 1302.503, Occupations Code, is amended to read as follows:

Sec. 1302.503. SUPERVISION REQUIREMENTS FOR LICENSE HOLDERS [~~REGISTRANTS~~].

SECTION 3. Section 1302.5035, Occupations Code, is amended

1 to read as follows:

2 Sec. 1302.5035. ELIGIBILITY REQUIREMENTS. (a) An
3 applicant for a technician license [~~registration~~] under this
4 subchapter must:

5 (1) be at least 18 years old; and

6 (2) have at least 12 months of practical experience in
7 air conditioning and refrigeration maintenance in the preceding 24
8 months under the supervision of a licensed air conditioning and
9 refrigeration contractor.

10 (b) Notwithstanding the requirements of Subsection (a)(2),
11 an applicant may satisfy a portion of the practical experience
12 requirement as provided by Subsections (c), (d), and (e). [An
13 ~~applicant for a technician registration is not required to have~~
14 ~~practical experience or to take an examination to obtain the~~
15 ~~registration.]~~

16 (c) An applicant who obtains a degree or diploma or
17 completes a certification program from an institution of higher
18 education that is accredited by an accrediting agency recognized by
19 the Texas Higher Education Coordinating Board or that holds a
20 certificate of authority to grant degrees issued by the Texas
21 Higher Education Coordinating Board, or an equivalent governing
22 body in another state as approved by the executive director, may
23 satisfy a portion of the practical experience requirement as
24 follows:

25 (1) completing a four-year degree or diploma in air
26 conditioning engineering, refrigeration technology or engineering,
27 or mechanical engineering is equivalent to 24 months of practical

1 experience;

2 (2) completing a two-year associate's degree, a
3 two-year diploma, or a two-year certification program primarily
4 focused on air conditioning and refrigeration-related work is
5 equivalent to 12 months of practical experience; and

6 (3) completing a one-year certification program in air
7 conditioning and refrigeration-related work is equivalent to six
8 months of practical experience.

9 (d) Every 2,000 hours of on-the-job training in an air
10 conditioning and refrigeration apprenticeship program registered
11 with the United States Department of Labor Office of Apprenticeship
12 is equivalent to 12 months of practical experience under Subsection
13 (a)(2).

14 (e) Notwithstanding the requirements of Subsection (a)(2),
15 each of the following qualifies as practical experience for
16 purposes of satisfying the 12-month requirement:

17 (1) verified military service in which the person was
18 trained in or performed air conditioning and refrigeration-related
19 work as part of the person's military occupational specialty; and

20 (2) experience performing air conditioning and
21 refrigeration-related work as described by Section 1302.055,
22 1302.056, or 1302.057 or while employed by a governmental entity.

23 SECTION 4. Section 1302.504, Occupations Code, is amended
24 to read as follows:

25 Sec. 1302.504. APPLICATION; FEE. (a) An applicant for an
26 air conditioning and refrigeration technician license
27 [~~registration~~] must submit a verified application on a form

1 prescribed by the executive director.

2 (b) The completed application must be accompanied by:

3 (1) a statement containing evidence satisfactory to
4 the executive director of the applicant's practical experience; and

5 (2) the required fees.

6 SECTION 5. Subchapter K, Chapter 1302, Occupations Code, is
7 amended by adding Section 1302.5045 to read as follows:

8 Sec. 1302.5045. EXAMINATIONS. The executive director shall
9 prescribe an examination for an air conditioning and refrigeration
10 technician license, including the method, content, and compliance
11 requirements.

12 SECTION 6. Section 1302.505, Occupations Code, is amended
13 to read as follows:

14 Sec. 1302.505. ISSUANCE AND TERM OF LICENSE [~~REGISTRATION~~].

15 (a) The department shall issue an air conditioning and
16 refrigeration technician license [~~registration~~] to an applicant
17 who:

18 (1) submits a verified application;

19 (2) meets the requirements of this chapter and rules
20 adopted under this chapter; [~~and~~]

21 (3) passes the applicable examination; and

22 (4) pays the required fees.

23 (b) A license [~~registration~~] issued under this subchapter
24 is valid for one year from the date of issuance.

25 SECTION 7. Section 1302.509, Occupations Code, is amended
26 to read as follows:

27 Sec. 1302.509. PROHIBITED PRACTICES [~~LIMITATIONS~~ — ON

1 ~~REGISTRANT~~. A person licensed [~~registered~~] under this subchapter
2 may not:

3 (1) perform, offer to perform, or attempt to perform
4 an act that is:

5 (A) defined as the practice of engineering under
6 Chapter 1001, unless the person holds a license under that chapter;

7 (B) regulated under Chapter 113, Natural
8 Resources Code, unless the person holds a license under that
9 chapter or is exempt by a rule adopted under that chapter; or

10 (C) defined as plumbing under Chapter 1301,
11 unless the person holds a license under that chapter; or

12 (2) assist or work with a person who is not a licensed
13 air conditioning and refrigeration contractor in the performance of
14 air conditioning and refrigeration maintenance work.

15 SECTION 8. Sections 1302.506 and 1302.508, Occupations
16 Code, are repealed.

17 SECTION 9. (a) Not later than February 1, 2014, the Texas
18 Commission of Licensing and Regulation shall adopt rules to
19 implement the changes in law made by this Act to Subchapter K,
20 Chapter 1302, Occupations Code.

21 (b) The Texas Commission of Licensing and Regulation shall
22 adopt rules to convert and renew an air conditioning and
23 refrigeration registration or certification issued before March 1,
24 2014, to an air conditioning and refrigeration technician license
25 without imposing the additional eligibility requirements under
26 Chapter 1302, Occupations Code, as amended by this Act.

27 (c) Chapter 1302, Occupations Code, as amended by this Act,

1 applies only to an application for a license under that chapter
2 submitted to the Texas Department of Licensing and Regulation on or
3 after March 1, 2014. An application for a license, registration, or
4 certification submitted under that chapter before that date is
5 governed by the law in effect on the date the application was
6 submitted, and the former law is continued in effect for that
7 purpose.

8 SECTION 10. (a) Except as provided by Subsection (b) of
9 this section, this Act takes effect March 1, 2014.

10 (b) Section 9 of this Act takes effect September 1, 2013.